

1 THE HONORABLE JOHN C. COUGHENOUR
2 THE HONORABLE MICHELLE L. PETERSON
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10 UNITED STATES DISTRICT COURT
11 WESTERN DISTRICT OF WASHINGTON
12 AT SEATTLE
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15 JAMES MOSELEY,)
16 Plaintiff,) No. C20-1311-JCC-MLP
17 v.)
18 STATE OF WASHINGTON, et al.,) STIPULATED MOTION AND ORDER
19 Defendants.) TO STRIKE PRETRIAL AND TRIAL
20) DATES
21)
22) Noting Date: April 12, 2022
23)
24)

15 **STIPULATION**

16 The parties, by and through their attorneys of record, hereby stipulate and request that the
17 Court strike all current pretrial and trial dates pending resolution of current mental health issues
18 that are precluding Plaintiff's ability to meaningfully participate in the preparation of this case
19 for trial.

20 Mr. Moseley has suffered from mental illness for many years. He was confined in a max
21 custody cell for most of his incarceration. He is currently involved in a pending criminal trial
22 where he is being examined both for competence and to determine what effect this type of
23 isolation incarceration has had on his mental health and his behavior. Mr. Moseley's criminal
24

STIPULATED MOTION AND ORDER
TO STRIKE PRETRIAL AND TRIAL DATES
No. C20-1311-JCC-MLP

Civil Rights Justice Center PLLC
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1 defense attorney is currently awaiting a report from Dr. Stuart Grassian, M.D., a psychiatrist,
2 who is evaluating Mr. Moseley's mental health. Counsel in this case has been coordinating with
3 Mr. Moseley's criminal defense attorney on these issues.

4 The parties have been purposefully working to complete discovery in this case. Mr.
5 Moseley is experiencing mental health issues that have precluded work toward the deadlines for
6 expert witness disclosures and completion of discovery, including several recent episodes of
7 extreme self-harm incidents.

8 In light of the current challenges Mr. Moseley is navigating, the parties have stipulated
9 and request the Court strike the current case schedule in its entirety, including the current trial
10 date. The parties propose filing a new Joint Status Report by July 18, 2022, updating the Court
11 on Mr. Moseley's status and proposing a new trial date with associated pretrial deadlines. The
12 parties submit there is good cause for the relief requested.

13 In the alternative, the parties request a conference with the Court to discuss the case
14 status and a plan for moving the case forward to trial.

15 DATED this 12th day of April, 2022.

16 ROBERT W. FERGUSON
17 Attorney General

18 /s/ Scott M. Barbara
19 **Scott M. Barbara**, WSBA #20885
Assistant Attorney General
Attorney for State Defendants

CIVIL RIGHTS JUSTICE CENTER, PLLC

/s/ Darryl Parker
Darryl Parker, WSBA #30770
Attorney for Plaintiff

ORDER

THIS MATTER having come before the Court on the foregoing Stipulation, and the Court having considered the Stipulation, and good cause appearing, now, therefore:

1. The Stipulated Motion to Strike Pretrial and Trial Dates is GRANTED.
2. The dates established by the Court's Scheduling Order, (Dkt. # 15), and the subsequent Order amending the same (Dkt. # 22), are hereby STRICKEN.
3. On or before **July 18, 2022**, the parties are directed to submit a Joint Status Report advising the Court on Plaintiff's then current condition and ability to assist in the preparation of this case for trial and proposing a new trial date and associated pretrial dates.

DATED this 12th of April, 2022.

M. J. Releford

MICHELLE L. PETERSON
United States Magistrate Judge